THE TILTON SUIT.

Eighty-second Day of the Great Seandal Trial.

ELIZABETH TILTON'S LETTER.

Its Purport and How It Was Treated.

THE DOCUMENT IGNORED IN COURT

Mrs. Tilton Gives It to the Outside Public.

"I AM INNOCENT OF THE CHARGE."

"I Would Like to Tell My Story Truthfully."

The dvamatic scene expected at the opening of the morning session of the great Brooklyn trial yesterday did not come off, much to the disappointment of the curtosity hunters. To those accustomed to the constant series of surprises in this scandal suit it was not improtable that when the court opened yesterday Mrs. Thton would be present, and the first thing to order would be the reading of her mysterious letter to Judge Neilson, tollowed by the answer of the Judge, and then a probable retort from the plucky little lady, who is tull of spirit and not easily extinguished or put down. Taking these events as likely to occur, the shrewd observer no doubt looked lorward see a set of bewildered lawyers-Snearman in tears, Tracy in a mind sort of rage, Evarts multiplying his wrinkles, and the audience in open-monthed wonder at the whole affair. This would be accompanied by a mystifled joy, and the whole staff of reporters in perfect ecstasies. But nothing of the kind

Mrs. Toton did not even come to court to look after the late of her communication. The Judge put it down in his pocket to keep it there the previous day, and return it to her unannounced to the world or give it to the public if she decided to do so herself. This was truly A GREAT DISAPPOINTMENT.

What the Judge actually did was to send back the note early in the morning by a messenger. He found it contained nothing on which he could take action, nothing that demanded any steps from him. It was for the counsel to decide the matter

A reporter of the HEBALD, during recess, went down to see Mrs. Tilton and learn the probable fate of her sensational missive. Mrs. Ovington spened the door and said Mrs. Tilton was up stairs. The house is a plain, unpretentious frame ball-iing, of no particular character inside or out. TALK WITH MRS. OVINGTON.

Mrs. Ovington was asked if Mrs. Tilton had determined on giving the letter she sent Judge Netison for publication to the press. "She has not yet decided." "How long will it take her to decide ?" "Perhaps till to-mor ow. You perceive Mrs. Tilton is not hasty in her decisi-She is aware of the importance of this letter or she would not have addressed it to the Judge. She may make her mind up in the meantime, and mage it also convenient for all the morning papers to ootain a copy."

"I understand Mrs. Tilton asks the privilege of testilying on her own behalf, if the lawyers will "You will soon see the purpose of her applica-

Subsequently Mrs. Tilton decided to give her letter for publication.

THE CORRESPONDENCE. MAY 3, 1875. JUDGE NELLSON-I ask the privilege from you for a few words in my own behalf. I feel very deeply the injustice of my position in the law and before the Court now sitting; and while I have understood and respected from the beginning Mr. Evarts' principle in the matter, yet since your last session I have been so sensible of the power of my enemies that my soul cries out before you Everts' principle in the matter, yet since your last session I have been so sensible of the power of my enemies that my soul cries out octore you and the gentlemen of the jury, that they beware how, by a divided verdict, they consign to my children a faise and irrevocable stain upon their mother. For five years past I have been the vicum of circumstances most cruel and unfortunate; strugging from time to time only for a place to live nonorably and trumfully. Released for some months from the will by whose power unconsciously i crummated myself again and again, I declare solemnly before you, without fear of man and by faith in God, that I am innocent of the crimes charged agains me. I would like to tell my whole sad story trumfully—to acknowledge the frequent laisehoods wrung from me by computision—though at the same time unwilling to reveal the secrets of my matried hie, which only the vital importance of my position makes necessary. I assume the entire responsibility of this request, unknown to friend or counsel of either lide, and await Your Honor's honorable decision. With great respect, ELIZABETH R. TILTON.

TUDGE NELLSON'S REPLY.

CHAMBERS OF THE CITY COLET OF EROOK.)

Note, and await Your Ronor's honorable decision.
With great respect, ELIZABETH R. TILTON.
JUDGE NELLSON'S REPLY.
CHAMBERS OF THE CITY COURT OF BROOK-)
LEYN, N.Y. BROOKLYN, May 4. 1876.
LEYN, N.Y. BROOKLYN, May 4. 1876.
Mas. Tilton—I am directed by Chief Judge Nellson to return your letter, as it cannot be read in court. Also to state that in civil cases counsel have the right to refrain from calling any particular witness, however competent, and that better the Court nor the chent can interfere with the exercise of that right.

The Junge also instructs me to say that the question whether you could be a witness stands on quite other ground from that considered when your bushand was called and sworn.
He was a competent witness to testify in his ewn benaif against a third person, decensant, and while the pointy of the law was to some extent involved, there was no express statute in the way. But the statute of May 10, 1851, expressly declares the musband. Yours respectively,

GEO. W. KNAEBELL clerk City Court, &c.
MRS. Tilton's betre Norme. MRS. TILTON'S BETE NOIRE.

Mr. Evarts, holding the key of the situation, resolved to adhere to his preannounced policy to keep Mrs. Titton out of the case on the ground that as the Tilton family had already suffered enough between the upper and nother milistones of this scandal it would be too cruel to push the dissection any forther. Mrs. Tilton will visit the tourt room no more. She has taken her faraweil of the memorable scene. She has done what she seemed her part before leaving, and it her hopes were well meant it is the last and saddest blow this much afflicted woman bas yet received.

THE RESUTTAL PART. The heavy, broad-shouldered senior member of the firm of Woodruff. Robinson & Co., Franklin Woodrad, resumed the stand in the morning. His testimony had a good dear to pious Spearman and kept up an incessant fire of suggestions in the ear of his colleague. Woodruff s only a middling wilness. He lacks the quality of quickness and his memory is not the clearest, but he is a man of good reputation and his evidence is no doubt trustworthy. The leading point sought to be established through Woodruff by the cross-examination was that he must have known from whom came the \$5,000 that was on deposit with his firm. He testified that he knew from whom the money came until the statements appeared last sum-These statements gave him the clew to the ownership of the money. A series of questions, very slow, tedious and frivolous, were asked as to what the witness said to one Mr. Southwick. He was asked if he ever said to southwick, "We must drive Becaser out of Brooklyn," and whether Soutowick replied, "You may be able to drive a fish and sait business, Mr. Woodruff, but when you undertake to orive Henry Ward Beecher out of Brooklyn you my on too mg a job." When him the famous yellow slip that came attached to claimed any knowledge of the sitp, though he

shought it was handed bim by Tilton. RICHARDS AGAIN. A stir took place at last when Richards, Mrs.

Tilton's brother, came on the stand once more. He is a dark-featured man of a well knit figure, a full beard and a shapely head. He spoke with clearness and firmness, while not the smallest emotion ruffled his leatures. The excitement in the court room rose higher and higher as the arguments on defendant's side went on to stave off the inevitable. The plaintiff's point was to rebut Tracy's evidence where he described the in-terview between Richards and himself, when the former appeared before the Church Committee of investigation. The jury paid extra attention to the debate and testimony. Richards has been all along nearer the areana of the secret in this trial than any other man. He was almost a witness to the act in flagrante delicto. His evidence is pregnant, as is was before. He swore clearly and emphatically that when Tracy met him at the time the Plymouth church investigation was going on he declined to answer the question whether or not his sister had committed adultery with Mr. Beecher. Tracy replied that his declining to say anything would be as bad as admitting the charge. Finally he went before the committee and declined saving anything. Then he impeached the golden-haired, blue-eyed jewel of the defence, Bessle Turner, by swearing that she never in her life spoke to him about the crueities of Tilion to his wife or to any of his family, and that she never came to him in his office at the Evening Post, as she swears she did, to tell him of anything of the kind happening; never at all came to him at the Evening Post office.

MOTHER AND DAUGHTER. Accompanied by Mr. Tilton the two fair looking ladies who entered the court room the day previous, Mrs. Middlebrook and her daughter, appeared again on the scene in the morning of yes terday. Miss Middlebrook, who was generally taken for Miss Florence Tilton on the occasion of her debut, is a young girl of extremely fair complexion and jet black hair. Her mother is of a deeper and ruddier color and pair of deep flaxen shade. Both sat close to Tilton.

POOR MRS. BEECHER, with no other woman near her, sits all the weary day listening to the dull, toiling witnesses and the gilb and ruesome lawyers. Her pale lace is framed in a jet black bonnet, the head drops repeatedly on the hand, the eye droops and it is a weary, weary waiting-waiting for the May.

MR. EVARTS ON REBUTTAL.

The rebuttal has brought out Mr. Evarts in redoubled force. It is so customary now to see him pop up a dozen times in a brief debate that it has come to be a source of amusement, and Mr. Beach is congratulated by his colleagues when he escapes having half a dozen interruptions shot into his ear in unhalting succession. A few more witnesses are still left, and all the evidence may be expected in by Friday next.

THE EVIDENCE.
Franklin Woodruff was recalled.

THE INTERVIEW AT SCHULTZ'S HOUSE. By Mr. Beach-Q. In that interview, to which your attention was called yesterday, at Mr. Schultz's, when Tracy, Tilton and Moulton were present, and when the starting of a new paper was the subject of conversation, did Mr. Titon sav, in substance, to Mr. Schultz, that he could not accept any aid from Mr. Beccher—that he could not place himself under any obligations of that kind? A. He said in substance, that he could not accept any air from Mr. Beccher; that was in connection with the subject of starting the Golden

Q. Mr. Schultz stated in his testimony that you came to that interview in company with Mr. Titon, that you did not remain longer than ten or fifteen minutes. Is that so? A. I went there with Mr. Tition and we remained there from a half to three-quarters of an hour, when we lost together.
Q. Then Mr. Schultz is mistaken when he says that you did not remain more than tweive or lifteen minutes? A. Yes, sir, he is mistaken; I was present during the whole of the conversation that ensued on the occasion of our visit.
Q. Mr. Fracy stated that in the conversation on Sunday, at Moulton's house, on the presentation of the letter of apology—or letter of contrition—Moniton said, in connection with its presentation. It is a memoranda, or notes of conversation. I had with Mr. Beecher, "was any such expression in form of substance used? A. It was understood that the letter of apology was a genuine letter.
Mr. Evers objected to the answer, but no argument ensued. Q. Mr. Schultz stated in his testimony that you

that the letter of apology was a genuine letter.

Mr. Evar's objected to the answer, but no argument ensued.

Cross-examined by Mr. Shearman:—Q. How long have you oeen acquainted with General Tracy? A. Five or six years; I have met him and known him pretty intimately during these years.

Q. Associated with him in politics? A. Somewhat; I have been a little in politics, not very much; my acquaintance with nim otherwise has been very intimate; I have seen and talked with him sometimes every day; sometimes I have not seen him for three months.

Q. Up to what time did that intimacy exist? A. I never knew that it had ceased.

Q. Did you see him frequently during the summer of 1844? A. No, sr. not frequently during the summer of 1844? I recollect one interview I have with him in that year; It was in the summer, July or August.

Q. You talked with him on a variety of a business character? A. I did. sir, our relations were not or a business character?

Q. He was not the regular counsel of your firm?

A. No, sir; he was sometimes our counsel.

Q. I desire to know the names of some of the persons or friends you were most intimate with in Brookiyn or New York, outside of your firm.

Ar. Beach, objecting, asked what was the importance of the—

Janze Nelson—it may be preliminary to some—

portance of the— Judge Nelison—it may be preliminary to some-thing else. Mr. Sucarman-It is.

thing else.

Mr. Sucarman—It is.

The Witness—There are a good many.

Q. some four or five of them? A. George S.

Nichols. W. McLean and Samuel McLean—in fact,
most everybody round the Heights.

Q. Did you talk with Mr. Nichols about some
things? A. I did, about some things, and about
some matters with Mr. Southwick.

Q. Then I may assume these were your confidential friends outside the firm? A. There may
have been others that I talked with.

Q. Did you ever talk with those gentlemen
about the scandal? A. I have unquestionably.

Q. Did you talk with any of these gentlemen
about counsel before you consulted with General
Tracy in regard to this very matter? A. Very
likely I may have; I think I spoke with Mr. MeLean about counsel in connection with this
matter.

Q. That was before you consulted with General
Tracy? A. It was; I have no recollection that I
taked with any of these gentlemen on the subject

Q. That was before you consuited with General Tracy? A. It was; I have no recollection that I taised with any of these gentlemen on the subject of the conversation between myself and Tracy; I may have done so, but I don't recoilect that I have, nowever, within the mai year.

Q. To which of these gentlemen have you talked about that matter? A. I have talked with them all within two or three days.

GENERAL TRACY'S PUBLISHED STATEMENT.

Q. Do you remember reading a statement of an interview reported in the Brookin Chaon of June 25, 1874, between a reporter of that paper and General Tracy? A. I may have read it; I don't now recoilect talking with any of the gentlemen you have named about it. (File of the paper in question shown to withesa)

Witness—i have no doubt that I saw that at the time it was printed.

Mr. Slearman then read from the paper a statement of General Tracy that Mr. Beecher was not accounted with any lower was not accounted with a

ment of General Tracy that Mr. Beecher was not enarged with adultery by Mr. Inton, and asked the witness if Mr. McLean had not called his at-tention to the paragraph? Mr. Fulerion objected to the reading of the in-terview at length. Mr. Evar's asked what was the objection?

Mr. Futlerton objected to the reading of the interview at length.

Mr. Evar's asked what was the objection?

Mr. B ach said the objection was that there was no proof of the slieged nore now before the Court. It was a surreptinous attempt to get alleged statements of General Tracy before the Jury.

Judge Neilson suggested that the remaining paragraph be put to the form of a question.

Q. Die you at any time have any laik with Mr. Melean in relation to this interview? A. I may have; had a talk with Mr. McLean last night; I told him then the whole of the case.

Mr. becarman—We don't want that.

Q. Did you have an interview with General Tracy after the pholication of this interview referred to? A. I had saveral at various places.

Q. Did you complain to General Tracy that he had misripreseled the lacts in that case? A. I did: I complained that he had spoken to Mr. Moulton about the modey transaction; that he had told ar. Moulton who told him, which meant myself, and I reminded Tracy of the sacred promise he had made, and that I looked upon his conduct in the matter as a betrayal of confidence; he (Tracy) said he referred to the \$5,000 transaction alterward, and I told him in heaver knew where the \$5,000 cane from; I told him about this only a lew days before lengaged him as counsel, and he then promised me he would never allude to the money transaction; that is about the whole substance of the literview; the occasion of that interview was, that I wont to see Tracy about two matters; one was about a card, published by George Beecher, reflecting on the firm, in connection with the money transaction; that is about the whole substance of the literview;

Ar. Did you tell Mr. Tracy at that time that you did not know where the \$5,000 cane from "A. I odd; I may have said to him that I supposed it came from Mr. Beecher: I don't recollect that Mr. Tracy said that it is the sk,000 cane from "A. I odd; I may have said to him that the \$5,000 cane room the line put the wond the money; we spoke of the \$5,000 cane in the bank and

Woodruff & Robinson and charged to Mouiton and sent to somebody West.

Q. Did you tol Mr. Tracy that Mr. Beecher went to the bank himself, and drew the money out and gave it to Moulion? A. Idon't remember whether

Q. When was your interview with Tracy? A. I. C. When was your interview with Tracy? A. I. Can't give the day: I went in the afternoon about four or aalf-aast four and stayed till after dark; the next morning I went again, and Moulton follows:

the next morning I went again, and Moulton followed one.

Q. Was anything said in the interview between Moulton and Tracy about Bessie Turner? A. No. sir; I may have testified that Moulton told Tracy all about the case.

Q. Do you recoilect an interview you had with Mr. Southwick shortly after the publication of the Woodhull scandar? A. Yes; at that interview don't recoilect having said that it would be best to drive Mr. Beecher out of Brooklyn.

Q. Did you say to Mr. Southwick, "I will show you a letter, which if published, will drive Mr. Beecher out of Brooklyn?" A. No; I don't think I did. I might have said I have seen letters, or something of that kind.

Q. And which, il shown generally, would have the effect of driving him out? A. I may have said that. I have complained to Mr. Southwick that he had given points in the case to Tracy, because I thought he could not have known otherwise. I am not now a member of the firm of Woodruf & Robinson.

Robinson.

Mr. Beach showed to the witness Mr. Bowen's check for \$7,000. Witness said ne handed that check to Mr. Partridge, but did not remember the yeitow paper memorandum having been attached to it; i think Mr. Tilton handed in the

check.
Q. Have you any recollection of the words or the sentiment, "Spoils from new iriends for the enrichment of old"? A. I have not.
The Court then took a recess.

AFTER THE RECESS. Mrs. Middlebrook, the friend of Tilton, took the stand after the court reassembled. She very soon after made the announcement that she belonged to the Society of American Spiritualists. There was nothing whatever about this woman of the ideal spirit medium. She had a good stout body, a full rosy pair of cheeks, a bright twinkling eye. Her voice was singular. It was partly masculine and partly feminine, but pleasant to hear. She had little or nothing to tell. A man named John Brenner, a terman, round and stout as a beer barrel, was another of the host of witnesses who have come and gone to prove pro and con that Tilton either rode or walked in the Commune procession. John's head was clear, his voice melow, and surely he must have been a Commune, though his occupation is that of a United States storekeeper, or else he would never have known all these Communists. He first saw Tilton on

Woodhul: i have written a lew articles for her paper; i have written for other papers; my being at the house of Mrs. Woodhulin the evening was a pure accident; lattended at her office a meeting of Spritualists, and the evening being wet, Mrs. Woodhull asked me to go to her house; i did not know that there was to be a meeting at her house until I got there; i think there were no lacies present but Mrs. Woodhull and Miss Cladin: Mr. Wheeler made a Spritualistic speech, but I do not remember Mr. Tilton reporting it; there was a discussion in reference to the restoration of liberty among the Lowell operatives; I taink I made a few remarks on the subject; there was no conversation between Mr. Cowier and Mrs. Woodhull about Mr. Beecher: I think I would have heard it if there was as I was there three or four hours; I do not Bescher: I think I would have heard it if there was, as I was there three or four hours; I do not think we were interruited by any new comers; I think my last communication to Mrs. Woudhull's paper was two or three years ago; It main no reference to the Beecher scandal; I believe in some points of the Christian laith; I believe in the system of rewards and punishmens; the address of Mr. Wheeler was an improvisation in poetry on the subject of Spritualism.

To Mr. Fullerton—Mr. Thiton criticised that address of Mr. Wheeler.

On the redirect examination Mrs. Middlebrook was asked if Mr. Tilton made any criticism on the Spiritualistic speeches made at his house that evening, "Yes, sir," replied the witness He asked "why it was that literary characters did not retain their finish of expression in the spirit." "Perhaps it's because they have lost their education," chimed in Fullerton. Further on Evarts nad his joke by asking whether the spirit or the medium had fallen back in his literary studies.

medium had fallen back in his literary studies.

Witness weat on to say:—There were various answers to Mr. Thiton's questions of the spirits; Mr. Waccier's effort I thought was a poor effort; I could not say which was in lant, Mr. Wheeler or the spirit, (Laughter.)

JOSEPH H. RICHARDS RECALLED.

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JOSEPH H.

Objected to, Q. State what occurred after you were intro-duced to him. A. I was before the committee when Mr. Iracy came in; I was then introduced to usin; he beckened me to go into the front par-

Mr. Beach read a long passage from the testi-Mr. Beach read along passage from the testimony of General Tracy in reserence to his interview with Mr. Elechards.

The Court sain the proposition now was to contradict Mr. Tracy of show bias or whatever it was.

Mr. Evarts said, in discreding a witness, the law required that the mrst witness should have his attention called to the matter. This witness was called to show the extra-judicial statement made by Mr. Tracy; to contrast a series of facts outside of the case and entirely coulateral. Hit was a matter within the issue they could give evidence to contradic Mr. Tracy; but the pisainiff could not now offer testimony to contradict him on a collateral fact outside the issue.

The Judge said that a statement made by one withcass could be contradicted by another in reference to any shing that was important or resevant.

Mr. Beach said the delence cave the testimony as substantive evidence, and he maintained that he had a right to give the evidence of Mr. Richards as to his interview with Mr. Tracy gave only part of it.

Mr. Beach—If he gave only part of it may we

of it.

Mr. Beach-If he gave only part of it may we not give the whole of it as Mr. Elchards remem-

bersit?

Mr. Evarts argued that the matter was collateral, and did not affect the question as between Mr. Beecher and Mr. Tillon.

Mr. Beach said Mr. Tillon, was it not competent for Mr. Richards, was it not competent for Mr. Richards to show what was really said to him? Mr. Fracy was saked, "Now, will you state what occur ed."

dudre (repeating the language just The Judge (repeating the state what occurred)" (lau, nier.) (lau, nier.) Witness-I said I was there in response to the

invitation of the committee: Mr. Tracy said he wanted to say something to me; that he was Mr. Recener's counsel: I said to at made no difference in my regard, as I wanted no preparation to go before the committee; he said he had to ask only one question; he then made known to me the question as it already appears; he asked me if my sister ever made a contission to me of adultery with Mr. Seconer; I said to him that

I DECLINED TO ASSWER THE QUESTION;
he said my declining to answer would be as bad as admitting it; I said it must state the lacts; that I would decline to answer the question; he said my declining to answer would be as bad as admitting it; I said if must state the lacts; that I would decline to answer the question; he asked me if I did not regard my sister's reputation; that I had a consultation with her that afternoon, and she said it would be better for me to appear before the committee than not to appear; Mr. Tracy went further into detail, but I declined to say anything, saying that my course for years was to say anything about it. "Weil," said Mr. Tracy, "that is what you should say. Go before the committee and say that;" I aid go before the committee and did say that; I am quite sure that on that occasion Mr. Tracy said he was Mr. Beecher's counsel.

Q. Bessie Turner states in her evidence that in

ocurses.

Q. Bessie Turner states in her evidence that in the month of becember, 1870, she called upon you at the office of the Evening Post, in New York, and made a sertain communication to you in regard to Mr. Tilton's abuse of his wife and of her (Bessie Turner)

urner).
Mr. Evarts—On what page is that?
Mr. Evarts—On what page of my memory.
Mr. Shearman—We object to the question until
re can find the passage.
Mr. Evarts—Weat was told Mr. Richards by Bes-

Mr. Evarus—What was told Mr. Richards by Bessie Turner is wholly immaterial.

Mr. Fulierton spoke at length, reviewing what the witness, Miss Turner, had testified. She had said that she told Mr. Richards, Miss Oakley, Mrs. Bradshaw and others of the alleged assault of Theodore Tilton upon her and of his ill treatment of Mrs. Tilton. Now, was it not proper to produce other witnesses to show that it was not so? They (coulsel for paintiff) suppose that thus conversation was gotten up by Mrs. Ovington. It was, he claimed, decidedly relevant to the issue of this case.

case.

Mr. Beach read from the evidence of Bessie Tur ner, in which she says she told five persons that Theodore Tilton had attempted to violate her per-

Judge Nelison said:—"Taking that issue the question comes very close to Mr. Tilion."

Mr. Evarts still objected, and argued against their undertaking to give evidence to contradict the fact that a witness had not told the same story out of court that she did in court. As the party c, ling her can't snow that she told the same story out of court, it is not a subject of contradiction.

tradiction.
Judge Neilson said in one aspect of the case it is Judge Nelison said in one aspect of the case it is a matter that reaches Mr. Tilton directly. The witness has stated certain features in her view of the case, and it was proper for Tilton in cross-examination to show that she didn't see these persons and to contradict it in conlateral.

Q. Well. Mr. Richards, will you be kind enough to answer that question?

Mr. Evar's again objected to the introduction of the testimony.

storcksper, or else he would never have known all these Communists. He first saw Tillon on Tryon Row and Tillon made such an impression on him that he never forcot him.

Tryon Row and Tillon made such an impression on him that he never forcot him.

"You zee," said John, explaining how he knew Swinton, "our body was so zmail we could regord the treat."

John gave a good deal of amasement, which was badip needed, for the day was dismal and dark. The tall, chostly gray "pantarck," as he calls him. Sell, Stephen Pearl Andrews, wno has novered a good deal about the trial since its beginning, was the last wintess on the stand yesterday. He had only time to outline his life and his works when the hour of adjournment arrived. A flow of enormous jaw-breakers will set in to-day.

When the session opened it was agreed between counsel on both sides that the last professional the southern of the standard of th

procession; I was (Laughter.) (Laughter.) Q. What I want to get at is whether you were Q. What I want to get at is whether you were

STEPHEN PEARL ANDREWS.

Stephen Pearl Andrews, being sworn, was examined by Mr. Function and testified:—I reside in New York, since 1849; I lived in Boston for six years, and before going to Boston I resided for four years in Texas; prior to that I lived about six years in the State of Louisiana, and prior to that I resided in Massachusetts and New Hampsbire.

Hampshire. What has been your occupation since you re-

lived about six years in the State of Louisiana, and prior to that I resided in Massachusetts and New Hampshire.

Q. What has been your occupation since you resided in New York! A. Since I came here to introduce a system of phonography and poonetics, founding to sprofession that is serving me now.

Q. have you been engaged since you came to New York in any other business? A. When, in the whole course or my life?

Q. have you been in any other business? A. In that business, with reporting and phonetics, I was connected only since I came to New York, for about two years; my occupation since I gave that up has been the new, or somewhat new, and scientific investigation toward social reform; I have been all tarough my life an author in spontaneous efforts; I have been all tarough my life an author in spontaneous efforts; I have been all tarough my life an author in spontaneous efforts; I have been all translations from the Spanish; my first independent work was a "Treatise on Entails," a legal work; then ween my connection with pionography came I published an entire series of text books on that subject; my next publication was accurroversy between Horace Greeney, Mr. James and myself on the subject or "Love, Marriage and Divorce;" I then printed a work on "Social solutions;" the Appletons printed two works on French Instruction, after the manner of Oliendorf; more recently I have printed two works on French Instruction, after the manner of oliendorf; more recently I have printed two works on French Instruction, after the manner of oliendorf; more recently I have printed two works on French Instruction, after the manner of oliendorf; more recently I have printed two works on French Instruction, after the manner of oliendorf; more recently I have printed two works on French Instruction, after the manner of oliendorf; more recently I have printed two works on French Instruction, after the manner of oliendorf; more recently I have printed two works on French Instruction, after the manner of oliendorf; more recently I h

Much live a little dataset with his with him.

Mr. Evarts—I would be giad to have it remain untold, Your idenor.

Mr. Fullerton said he proposed to show what the witness and been doing.

Mr. Evarts—Witn hims witness that is not necessary; he is a more witness.

Mr. Fullerton—Mr. Beconer was a more witness on he stand.

on the stand.

Mr. Evaria retorted that the relative relations as witnesses were not entirely different.

Q. You performed some service for Mr. Smith in Detaware at one time? A. Yea, sir; I was sent cown to belaware by Gerrit Smith to negotiate with the public men of that State aboution of slavery on the condition of purchase; there were about two thousand slaves in the state when Gerrit Smith conceived the idea of buying them out of slavery; I commenced business with the Schalors ween I was taken sick with brath fever; after that there was nothing once; that was all that came of it; when in the then Republic of Texas I entered on a movement to accomplish the aboution of slavery there; It proved dibustous and I went to England and renewed connections with the government; Mr. Tappan was so much interested in the progress made that by all and I was crought immediately into conference with Lord Abordeel and other members of the british Government of that day; I remained in England for five months.

Mr. two its cafed attention to the clock, it being four, and Mr. Filierton saying he would not proceed further, the Court adjourned this eleven of clock this forenoon. Mr. Evaria retorted that the relative relations

THE COURTS.

A Decision of Importance to Real Estate Owners.

HOW TO AVOID PAYMENT OF DUTY.

Damages Claimed for the St. Andrew's Church Disaster.

A Convicted Thief Objects to the Penitentiary.

In the six million dollar suit against William M. Tweed there was another postponement yesterday of the argument on the motion to compel the furnishing of a bill of particulars. The case was set down peremptorily for to-day, before Judge Barrett, in Supreme Court, Chambers,

The opening of the May term in the court has generally, on account of so many moving, been attended with difficulty in obtaining jurors. Owing to the new system adopted by Mr. Douglas Taylor, Commissioner of Jurors, there was no such difficulty the present term. On the contrary, 640 jurors presented themselves, and not a single extra panel had to be called. As will be seen, this is quite a force of jurymen, but none too many for the thirteen State courts now in session.

In the United States courts yesterday 4,500 cigars, smuggled on the steamer Vera Cruz, were condemned, no claimant appearing.

A Woman named Cornella Coalbar was arrested and taken before United States Commissioner shields, charged with receiving a pension due ner by the death of her husband, who was a soldier during the war, but to which she was not entitled upon remarrying. She was neid in \$1,000 bail to await examination.

Several suits for the recovery of damages resulting from the accident known as the St. Andrew's Church disaster have been instituted by Ulman, Remington & Porter in the Supreme Court, on behalf of the persons who were attending service in the church at the time the accident occurred, and received mjuries from the falling of the roof. The city, together with the owner and contractor of the Shaw building, have been made parties delendant to the action. Corporation Counsel E. Delafield Smith represents the city, and some interesting legal questions are likely to arise in the course of the trial as to the liability of the city for damages sustained by the injured persons.

IMPORTANT REAL ESTATE DECISION.

In the suit brought by Barnes and others against Mott. Wagner and others, which has been pending for a long time in the courts, an important decision was rendered yesterday by the General Term of the Court of Common Pieas, Judge Loew Term of the Court of Common Piess, Judge Loew writing the opinion. In 1868 certain property was held by the plaintiffs and by one Britton, who sold it that year. After the sale a judgment was obtained against Britton for \$17,000, which was a lien on the land. An appeal was taken from that judgment, and two years later a further appeal was taken by the Court of Appeals. An undertaking with two sureries was given to pay the judgment should it be affirmed by the latter Court. The Court of Appeals affirmed the judgment, and the judgment creditors commenced an action on the undertaken. be affirmed by the latter Court. The Court of Appears affirmed the judgment, and the judgment creditors commenced an action on the undertaking. The sureties were released by the actendant, wagner. The decision was finally confirmed, and Wagner took an assignment of the judgment. He thereupon entered a release to the sureties, and the assignment passed to Mott. Britton being, as alleged, insolvent, the Sheriff levied upon the plaintiff's property. This suit was brought by the plaintiff for a perpetual injunction against that judgment being enforced against their property. The General Term holds that the plaintiffs stand in regard to the property as sureties entitled to all the relief of the original judgment creditors against other sureties in case they paid the judgment. Also that as the time in which the debt was due had been prolonged by the sureties in the undertaking, they had rights against such sureties which they could have enforced in the suit had plaintiffs paid the judgment. It is held, further, that Wagner having, with full knowledge of all the lacts, discharged the sureties on their undertaking, he had so prejudged the plaintiffs' rights as to release their property, and that Mott, standing only in Wagner's shoes, could not enorce the judgment any more than Wagner against the plaintiffs' property.

A NOVEL WAY TO EVADE DUTY.

A NOVEL WAY TO EVADE DUTY. A curious case came to light yesterday before Commissioner Shields, and, should the facts as set forth, be fully substantiated, there can be little doubt that the government is a much greater victim to revenue frauds than is generally supposed. According to certain affidavits made before the Commissioner, Adolph Geobard was arrested on a charge or conspiracy to defraud the United commissioner, Anoipa Geonard was arrested on a charge of conspiracy to defraud the United States under the following circumstances:—It appeared that on the ith of January, the house of Springmann & Geonard, wine importers, carrying on business at No. 28 from street, received by the steamship Fommeranna 100 baskets of champagne, twenty-four pin: bottlas in each basket, of the brane anown as Luc Gor. Inis wine was warehoused at Nos. 2 and 4 Stone street and the required bond given to the government. Prior to this importation the firm had imported, in cases of twenty-four pint bottles each, a wine which their customers complained about and which was much inferior in quanty to the wine received by the Poumersonna, and therefore liable to less duty. The charge now preferred was that Geonard, in the month of February last, caused thirty-seven baskets of the good wine to be removed from the bonded warehouse and conveyed to the house of the firm in Broad street, and that other wine was substituted in its stead, with the intention of defragding the Univel States. The accoused was arrested on a warrant and taken before Commission-r Shields, who held him to bail in the sum of \$5,000 for examination.

MARINE COURT-PART 2. COMMITTED FOR PERJURY-IMPORTANT TO LITI-GANTS. Before Judge Joachimsen.

A case was tried yesterday in the Marine Court pefore Judge Josephinsen and a jury, involving but a small matter of interest seemingly as be tween the parties, but which was fraught with tween the parties, but which was fraught with serious consequences to the delendant in the suit. It was the case of Prime vs. Mulien. These parties had entered in o a copartnership in the liquor business, at No. 591 Second avenue, in September, 1572, continuing the same to the following December, when they sold out. The point at issue was principally on the question as to whether the plaintid had more than a business interest in the concern, or whether that interest extended to the lease and fixtures which the defendant claimed to have exclusive interest in. The business, lease and fixtures were sold to one Hackett for \$1.100, for which \$700 was paid in casa, the plaintid receiving his lair share according to his interest in the obsiness. In presenting this case, in which he sold presenting this case, in which he sold parties to recover \$200, the naif interest in the mortgage, he offered in evidence wast purported to be an assignment of haif
of the mortgage drawn up and signed by the delendant. The defendant, in support of his case,
swore positively he never drew up or signed the
document in question. The gravamen of
the case centres here. If the plaintiff
presented to the Court a fraudolient paper
of the kind, suspicion of forgery and
perjury must act against him. The defendant,
on the other hand, denying upon oath that he had
ever signed the paper, must, it plaintiff was correct, have sworn lakely.

rect, have sworn laisely.

Judge Joachimsen called the jury's attention to the necessity of a careful deliberation of the case, and that body, a ter a half hour's absence, brought in a verdict for the plaintiff.

Judge Joachimsen then andressed the counsel on either side, Mr. Thomas V. Actor for defendant and Mr. Cornell for plaintiff, saying that in furtherance of the due auministration of justice he felt

ance of the due administration of justice he felt bound to commit Mr. Mulen, the defendant, on a charge of perjury for the action of the G and Jury. The commitment was drawn up and the de end-ant removed. The Court fixed ball in the sum of \$2,000, which was subsequently given, and Mr. Mulen discharged.

DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Lawrence.

The National Poote-Chemical Company vs. Abbott (tw. motions).—Motion to dange place of tria den.e.i, with sid costs.

Elliott vs. Williams et st.—Explanation re-

Elliott vs. Williams et al.—Explanation required.

Ellison vs. Esper.—Under the circumstances I think that the proposition of the plaintin's attorney in the proposition of the plainting assault and battery; Same vs. Joane vs. Joan

in this case to ascertain the amount of money past to receiver. Parties may agree on the referce. Partick vs. Lemist.—Upon payment of the coars before notice of trial and \$10 c six of motion the plaintiff may strike the name of Robert Patrick out as plaintiff, and the action is to proceed in all respects as it originally commenced in the hame of the remaining partners, Vanderburga and Hallock. An allowance of \$50 granted to plaintiff. Bank of California vs. Garta; Bank of California vs. Guilins.—Motion for stay of proceedings granted until hearing and determination of appeal from Judge Domoine's order.

Bank of California vs. Garta; Eank of California vs. Golins.—Motion for stay of proceedings granted until hearing and determination of appeal from Judge Donolne's order.

Yost vs. Yost.—Report of referes confirmed and Judgment of divorce granted to the plaintiff, with custody of california.

Lorenzo vs. Cassara.—Granted, with an allowance of \$150 to the defendant.

National Bank of the Republic vs. Palmer, Jr., and another.—Motion for allowance denied, without costs. (See Magnire vs. Dinsmore, President, &c., 57 Howard, p. 11.)

Mann vs. Willoughby.—Granted on default and reference ordered.

Metzger vs. Jansen.—Upon payment of the costs before notice of trail and \$10 costs of motion delault is opened and case set down for May 10, 1875; judgment to stand as security.

Bridge vs. mcCormack.—Judgment granted.
Loeb vs. Peckskill from Company; Wellenkamp vs. Linneworth; Chitzens' Savings Bank vs. O'Neil; Hayes vs. Egorton; King vs. Anthony; Merritt va. Flanagan; Chapman vs. Weinberg; Morrison vs. Conen.—Judgment granted.

Godfrey vs. Moser.—Undertaking approved.

BUFERIOR COURT—SPECIAL TERM.

By Judge Van Vorst.

Prince vs. the Twenty-third Street Railway Company.—Commission should issue.

Mislans vs. Sulivan.—Supplemental answer maj be filed on payment of \$10 costs of motion.

Warner et al. vs. Delmonico.—Motion denied.

McDonaid et al. vs. Frazer et al.—The new matter set up in proposed amended answer is no defence.

Wellie vs. Conner, Sheriff. &c.—The new matter set up in proposed amended answer is no defence.

Motion denied.

Boyce, trustee, &c., vs. Wright.—This is not a case for the short calendar.

Dart vs. Watkins.—Order granted.

Tomey vs. McGough et al.—Notice of application for the order should be given to the defendant personally and to the bank.

By Judge's minuties.

Chapman vs. The Pnenix Bank.—The defendant must have judgment, with costs.

COMMON PLEAS—EQUITY TERM.

By Judge J. F. Daly.

Verylock vs. Courtney.—Judgment for plantiff.

COMMON PLEAS—EQUITY TERM.
By Judge J. F. Daly.
Vervioet vs. Courtney.—Judgment for plaintist. See opinion.

By Judge Larremore.

Herring vs. Mortimer.—Findings settled.

COMMON PLEAS—CHAMBERS.

By Judge J. F. Daly.

Rhodes vs. The Spectator Company.—Bail reduced to \$2,000. No costs. See opinion.

Starr vs. Griswold.—Motion granted, withous costs.

COURT OF GENERAL SESSIONS. Before Judge Sutherland. ROBBERY IN CITY HALL PARK.

In the Court of General Sessions, before Judge Sutherland, yesterday morning the first case called by Assistant District Attorney Nolan was an indictment against Thomas Murphy, who was charged with acting in complicity with two young men, who escaped, in rooting Henry Ludwig on the night of the 26th of April. The complainant, who is a resident of St. Louis, and a guest at French's Hotel, testified that while ne was passing through the City Hall Park, near Chambers street, he was assaulted by three young men and robbed of \$50 in money. Murphy did not take the money but he stood by while his confederates pinloned Mr. Ludwig's arms and then ran away. He was pursued and caught by a policeman. The jury rendered a verdict of guilty. Judge Sutherland sentenced Murphy to the State Prison for fitteen years. called by Assistant District Attorney Nolan was

PERSONATING AN OFFICER. Mark Wallace was tried and convicted on an indictment drawn upon a special statute for personating an officer of the Police Department of this city. The proof was that on the 22d of April last he visited the house of Elizabeth Porter, in West fwenty-second street, and obtained \$5 from her by stating that he was a policeman, and at the same time showing a shield, which the prisoner, when examined, said was a sergentral arms shield of a social club with which he was connected in Philadelphia. He admitted on cross-examination that he had served two terms in the Peniteutiary, Previous to the sentence Wallace said that when in the Peniteutiary he wrote a communication to the New York Herald, which was published, complaining of the manner in which prisoners were treated there, and he had heard that some of the Keepers threatened to take his lie. He asked the Judge to send him to the State Prison.

His Honor remarked that he was bound to assume that he would not be improperly treated, and sentenced him to the Penitentiary for five months.

AN ASSAULT.

John Stewart, who was charged with cutting this city. The proof was that on the 22d of April

John Stewart, who was charged with cutting James O'ficilly, a barkeeper, on the corner of Ninth avenue and Sixteenth street, on the 21st of last month, was found guilty of assault and battery. He was sent to the Penttentiary for one year.

WASHINGTON PLACE POLICE COURT. Before Judge Wandell.

SUFFERING FOR HER HUSBAND. A woman named Ann Connelly was arraigned at the above Court yesterday on a charge of stealat the above Court yesterday on a charge of steading a gold watch valued at \$75. On the 7th of July Thomas Smith, of No. Il East Twenty-seventh street, lost a watch which was taken from a vest hanging up in a coachhouse at the above number. No trace of the lost article was discovered till a few days ago, when it was ascertained teat it was in the posse-sion of Mr. Bernard Clark, or No. 179 Varick street. Mr. Clark testified yesterday that him, at No. 179 Varies street last summer, and had left the watch as security that she would pay rent one him. It is sopposed that the watch was originally stolen by Mrs. Connelly's husband, who

ROBBED BY A WAITER. William Smith, a colored waiter, was charged with stealing \$62 in money and a silk skirt valued at \$50 oy Mr. William T. Cole, of No. 67 West Nine-teenth street. On Sunday night last, about half-past seven o'clock, Mr. Cole left the nonse in the possession of the prisoner, and on his return the above property was missing, as also was Sunth, who was arrested by Odicer Duniap, of the Iwen-ty-ninth precinct, and was committed by Judge Wandell in \$1,000 ball to answer.

COURT CALENDARS—THIS DAY.

SUPREME COORT—CHAMBERS—Held by Judge Lawrence.—Nos. 16, 19, 20, 23, 35, 40, 43, 45, 49, 50, 51, 67,
86, 92, 104, 114, 145, 149, 150, 151, 158, 204, 200, 220,
230, 231, 234, 236, 237, 238, 257, 260, 261, 270, 279, 283,
285, 299, 290, 291.

SUPREME COURT—SPECIAL TERM.—Adjourned to
May 10.

285, 299, 290, 291,
SUPREME COURT—SPECIAL TERM.—Adjourned to
May 19,
SUPREME COURT—GENERAL TERM.—Held by
Judges Davis, Brady and Daniels..—Nos. 83, 134, 6,
7, 57, 61, 63, 64, 66, 67, 68, 74, 143, 146, 147, 148,
149, 162, 153, 154, 157, 156, 169, 161.
SUPREME COURT—CRECUTT—PART 1—Held by Judge
Donoluc..—Nos. 2783, 843, 1235, 1341, 1231, 2789, 1695,
2833, 1417, 1437, 1447, 1448, 14.7, 1471, 1483, 1171, 561,
1499, 1501, 1503, 1505, 1507, 1599, 1513, 1516, 1517, 1521,
1523, 1527, 1531, 1533, 1537, 1539, 1543, 1547, 1551, 1553,
1553, 1565, 1567, 1569, 1563, 1565, 1567, 1569, 1571,
1573, 1577, 1579, 1579, Part 2—Held by Judge Van
Brunt.—Nos. 1256, 1708, 1165, 169, 1822, 2774, 980,
1404, 1414, 1423, 714, 1435, 1440, 1448, 1454, 1464,
1405, 1178, 1485, 1522, 1562, 2008, 2785, 14125, 1418.
Part 3—Held by Judge Barrett.—Nos. 241, 331, 537,
1267, 1305, 1023, 1586, 56, 1213, 1311, 2575, 823, 1232,
215, 1225, 1119, 1219, 69, 270, 1189.
SUPERIOR COURT—GENERAL TERM—Held by
United Justice Moneil and Judges Freedman and
Sedgwick.—Nos. 6, 18, 10, 21, 23, 24, 25, 26, 28, 29,
30, 31, 32.
SUPERIOR COURT—SPECIAL TERM—Held by Judge
Van Vorst.—Nos. 24, 37.

30, 31, 32.

SUPERIOR COURT—SPECIAL TERM—Held by Judge Van Vorst.—Nos. 24, 37.

SUPERIOR COURT—FRIAL TERM—Part 1.—Held by Judge curus.—Nos. 42, 341, 4719, 195, 537, 881, 469, 1949, 909, 1915, 716, 887, 861, 873, 559. Part 2.—Hed by Judge Curus.—Nos. 692, 1022, 1024, 1120, 1174, 1052, 1194, 1126, 916, 493, 1884, 970, 1030, 829, 1545.

COMMON PLEAS—GENERAL TERM—Held by Ontel Justice Daiy and Judges Roomson and Larremore.—Nos. 95, 98, 100, 101, 103, 104, 105, 106, 107, 108, 106, 110, 870, 69, 112, 113, 114, 115, 116, 117.

COMMON PLEAS—TRIAL TERM—Part 1.—Held by Judge Loew.—Urse on.—No. 1164. Part 2.—Adjourned for the term.

MARINE UCERT—TRIAL TERM—Part 1.—Held by Judge Gross.—Nos. 2247, 2050, 2224, 2182, 2181, 3708, 4330, 2315, 2322, 2324, 2325, 2326, 2322, 2229. Part 2.—Held by Judge Joschimsen.—Nos. 10, 2285, 4671, 3907, 1156, 2207, 2303, 2304, 2305, 2306, 2309, 2314, 2318, 2329, 3222. Part 3.—Held by Judge Alkor.—Nos. 1529, 3335, 1062, 2349, 3450, 3494, 2552, 3250, 2324, 2306, 2309, 2314, 2312, 2308, 579, 3359, 3471, 3169, 2356.

COURT OF GENERAL SESSIONS.—Held by Judge Sutnerland.—The People vs. Richard Smith and Thomas McDonald, robbert, Same vs. John H. Sloan, burglary; Same vs. John H. Sloan, burglary; Same vs. John H. Sloan, burglary; Same vs. Jenes McKeen and Frederick Hamburger, burglary; Same vs. John H. Sloan, burglary; Same vs. George Edwa ds, burglary; Same vs. Jenes McKeen and Frederick Charles Reference for Science and S SUPERIOR COURT-SPECIAL TERM-Held by Judge

burglary; Same vs. James Macken and Frederick Hamburger, burglary; Same vs. William Smith, burglary; Same vs. George Edwa ds, burglary; Same vs. George Edwa ds, burglary; Same vs. Charles Bretaerton, felonicos assault and battery; Same vs. James Pooley, felonicus assault and battery; Same vs. James Fox, felonicus assault and battery; Same vs. Jone Weitzel, felonicus assault and battery; Same vs. Jone Veitzel, felonicus assault and battery; Same vs. Patrick Caraey, grand farceny; Same vs. Francis Boyle, grand farceny; Same vs. James Flacigan, larceny from the person; Same vs. Mary Ann Carroin, peut farceny; Same vs. Joseph Smith, roboery; Same vs. Joseph Smith, roboery; Same vs. Henry Downs, embezziement.